

DATE

Mr. Marcus O. Peterson
Police Juror, Jefferson Davis Parish
219 Park Street
Jennings, LA 70546

**Re: Louisiana Board of Ethics Docket No. 2021-831
Advisory Opinion**

Dear Mr. Peterson:

The Louisiana Board of Ethics (“Board”), at its December 3, 2021 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics would prohibit you from teaching Emergency Medical Responder classes to employees of the Jefferson Davis Fire District No. 1 while you serve as a Jefferson Davis Parish Police Juror.

FACTS PROVIDED

You stated that you currently serve as a member of the Jefferson Davis Parish Police Jury. You stated that you were approached by a member of the Jefferson Davis Fire District No. 1 to teach an Emergency Medical Responder class for the fire department. You stated that you would charge the Jefferson Davis Fire District \$125 per student in addition to the cost of books and other requirements. You stated that the Jefferson Parish Police Jury approves appointments to the Jefferson Davis Fire District No. 1. The Jefferson Davis Fire District No. 1 is a component part of Jefferson Davis Parish.

LAW

La. R.S. 42:1113A(1)(a) prohibits a public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant’s immediate family, or legal entity in which he has a controlling interest, from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

La. R.S. 42:1102(2)(a)(vi) defines “agency of the public servant” to mean for members of any governing authority and for the elected or appointed chief executive of a governmental entity, it shall mean the governmental entity.

La. R.S. 42:1102(11) defines “governing authority” to mean the “body which exercises the legislative functions of a political subdivision.”

La. R.S. 42:1102(12) defines “**governmental entity**” to mean the political subdivision to which the elected official is elected.

La. R.S. 42:1102(23) defines “**transaction involving the governmental entity**” to mean any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such particular matter which the public servant or former public servant of the governmental entity in question knows or should know: (a) Is, or will be, the subject of action by the governmental entity. (b) Is one to which the governmental entity is or will be a party. (c) Is one in which the governmental entity has a direct interest.

ANALYSIS

As a member of the police jury, pursuant to La. R.S. 42:1102(11) provides that you are a member the governing authority for Jefferson Davis Parish. As such, pursuant to La. R.S. 42:1102(2)(a)(vi), your agency is considered to be Jefferson Davis Parish, which includes, but is not limited to, the Jefferson Davis Fire District No. 1. By receiving compensation to teach Emergency Medical Responder classes, you would be entering into a contract or transaction (La. R.S. 42:1102(23)) with the Jefferson Davis Fire District No. 1.

CONCLUSION

The Board concluded, and instructed me to inform you, that La. R.S. 42:1113A(1)(a) would prohibit you from entering into a contract and/or transaction with the Jefferson Davis Fire District No. 1 to teach Emergency Medical Responder classes for the fire department while you serve as a Jefferson Davis Parish Police Juror.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Louisiana Board of Ethics issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Gregory L. Thibodeaux
For the Board